



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2014-24

Legistar #: 20140754

City Council Hearing: Wednesday, August 13, 2014 – 7:00 p.m.

Property Owner: Unnati Corporation
Ashik Patel
d/b/a Allround Suites
2235 Northwest Parkway, S. E.
Marietta, GA 30067

Applicant: Ed Schagren
S&S Sign Services
105 Braided Blanket Bluff
Alpharetta, GA 30022

Address: 2235 Northwest Parkway, S. E.

Land Lot: 07850 District: 17 Parcel: 0050

Council Ward: 7A Existing Zoning: LI (Light Industrial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow for a non-conforming use (pylon sign) to be moved from one side of property to the other side to allow for better visibility. [§714.06 (A.)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



View from 2235 NW Parkway SE coming south



View from inside the property



Proposed new location for sign



View from entrance/exit

Recommended Action:

Ed Schagren with S&S Sign Services is requesting a variance for the property located at 2235 Northwest Parkway that would allow them to relocate a non-conforming (pylon) sign from one end of the property closer to the entry/driveway. The property is zoned LI (Light Industrial), and all of the surrounding parcels are also zoned LI (Light Industrial).

The current non-conforming use (pylon sign) is not visible to traffic due to the growth of the trees along the right of way. The applicant wishes to move the pylon sign closer to the entrance/exit so that it is more visible to traffic.

As defined in Section 714.06 (A) of the Zoning Code under prohibited signs, pylon signs are prohibited in all zoning districts. Further, Section 714.06 (C) states that: *“no structural repairs or changes in the size, shape, location, or design of this sign shall be permitted except to make the sign comply with the requirements of this article.”*

In 2009, City Council was presented with a similar variance (V2009-14) case. Volkswagen Group of America applied for a variance to keep a nonconforming pylon sign on a parcel on which there was a renovation of the primary structure exceeding 50% of its replacement cost. The variance was denied.



In 2012, City Council was presented with two similar variance requests. The first request was by Extended Stay America, Inc. (V2012-10) in which they were requesting variances for a freestanding pylon sign at the entrance to their hotel located at 1051 Canton Road. In that case the sign was being removed as a result of a GA DOT project that included two bridge replacements over Cobb Parkway (US 41) at Canton Road and the railroad bridge. Even though the hotel was to be compensated for the sign, they requested variances to allow them to relocate their existing pylon style sign, and to keep the height of 35 feet and square footage of 120 square feet. The variances to allow this sign was approved.

The other variance request that was presented to City Council was for a shopping center sign (V2012 -25). In that request, David C. Kirk, attorney for Walmart, applied for a variance to allow the existing Wal-Mart Sign to be modified – but not relocated – at its store location along Powder Springs Street. The variance to modify the sign was approved.